

TDC Blue Ribbon Committee
March 14,, 2007 Meeting Minutes Final

Members Present: ECOSLO- Maria Lorca; Sierra Club – Susan Harvey; Development Firm – Denis Sullivan; Land Conservancy – “BK” Bruce Richard; General Public – Melissa Boggs; General Public - Christine Volbrecht; South County Advisory Council - Jesse Hill; Templeton Area Advisory Group - Nicholas Marquart ; City of Paso Robles- Ron Whisenand ; City of San Luis Obispo – Kim Murry; Active Agriculturalist – Charles Whitney; Farm Bureau – Joy Fitzhugh ; Subdivision Review Board, Air Pollution Control Board – Aeron Arlin Genet

Members Absent: Subdivision Review Board, Public Works – Richard Marshall; Existing TDC receiver site – Chad Whittstrom; Ag Liaison – Mark Pearce

Committee Staff Present: Karen Nall, Planning and Building, Kami Griffin, Planning and Building

Others Present: Dorothy Jennings, Sheila Lyons, Eric Greening, Della Baret, Tina Salter, Michael Winn and Sue Luft

The meeting is moved to Planning and Building Room 200 Old Courthouse due to a power failure.

Aeron Arlin Genet takes on the role of time keeper in Richard Marshall’s absence. Aeron Arlin Genet requests information from the committee regarding big ticket items that are not on the agenda but should be added at later date.

Public Comment: Aeron Arlin Genet requests any Public Comment for items not on the agenda. Mike Winn questions the process of approval of the minutes. Karen Nall will bring all meeting minutes that have not been formally approved yet. Discussion ensues regarding the importance of the minutes. Mike Winn notes that the issue of antiquated subdivisions was referred to this TDC committee and that the RPD ordinance was not officially withdrawn. Kami Griffin agrees. Della Barrett provides general information regarding the South Atascadero area and evaluation of use of TDCs. Sue Luft reports that TAAG has two TDC projects on this month’s agenda. Tina Salter reports on the progress of the South Atascadero survey and requests to make a presentation to this committee. Chris Volbrecht objects to receiving this information and believes the information is biased. Aeron Arlin Genet notes that we are hearing from the public and that the committee needs to make a decision whether the committee would like a presentation. Joy Fitzhugh suggests agenizing this for the next meeting. Ron Whisenand raises concerns that this item may takes us off track at this time. Discussion ensues. Sheila Lyons asks for a clarification regarding planning area standards and zoning for South Atascadero. Kami Griffin and Karen Nall respond. Dorothy Jennings notes that the December minutes have not been corrected. She further notes that TAAG has reviewed 4 TDC projects, to let the committee know that projects are still being processed. Eric Greening notes that he feels that the vote of this committee to continue working towards the work program is unfortunate because it requires the committee to not look outside the box. He also requests that the group look at the RMS and consider prohibiting use of TDCs in

areas that are experiencing an RMS level 3. Aeron Arlin Genet notes that she believes that the committee's job is to look outside the box. Melissa Boggss notes that the existing work program does include an element to explore alternatives which will cause the TDC Committee to look outside the box. Denis Sullivan has a procedural question regarding whether the group must take public comments for each item on the agenda and notes that he feel too much time is being taken on public comment. Kami Griffin notes that public comments must be taken before each item when voted or acted on. Michael Winn notes that each meeting must have two types of public comments: one for Issues within the perview of the committee but not on the days agenda, the other for each agendized item, whether an action item item or not.. Group suggests that staff ask County Counsel for clarification.

Maria Lorca requests that the current ordinance be p[osted on the web site. Maria Lorca requests a list of maps previously requested including a map showing the antiquated subdivisions, a map of the 5 mile circles from URLs, a map of the agricultural preserve sites that are currently in non-renewal, and a map of sending and receiving sites. She further provides a list of other items she would like to request including a list of the evidence that will be the basis for recommendations, a bibliography, a glossary of terms and a timeline. Maria Lorca asked that the committee reconsider motion from the last meeting to allow more flexibility in work program. She notes that the committee is making good faith effort to evaluate program. The committee has considered the personal opinions that the members brought to the table. She feels the work program is thin and restrictive and she believes that now is the time for new ideas and information because our recommendations need to be based on evidence and data. She further requests that the group receive presentations and information regarding the Conservation Element, an appraisal expert, a conservation expert, a TDC expert from another area, more easement information, and a GIS expert. She suggests that the committee add to this list so that the committee has evidence to base their decisions on.

Discussion:

Kami Griffin provides a discussion of exchange rates and the process that sending sites go through based on the current ordinance. The County uses a 1 to 1 exchange rate. She notes that the original technical committee believed it was just as important to retire unsubdivided rangeland as it was to retire antiquated subdivisions. The County's program is based on economics. The land use issue the original committee was trying to solve is to limit development in the outlying areas. Kami Griffin suggests that the committee read the Exchange Rates paper that was previously provided. Ron Whisenand questions whether exchange rates will be explored at a later date. The group responds that it is included on the work program. Sue Harvey questions whether the original technical committee looked at using TDCs for other things than the creation of new lots. Kami responds. Jesse Hill notes that the economics of today are drastically different and notes that the current South County credits are based on the value of the lots being created. Discussion ensues.

Kami Griffin explains the sending site process and the appraisal process. Maria Lorca hands out a conservation easement sample from Marin County. Maria Lorca questions whether peer review was done of both the appraisal's content and value of development potential. The current ordinance is referred to and Kami Griffin notes that the ordinance does require peer review of the

entire appraisal. Discussion ensues regarding the appraisal process, discounted value and cost to develop. The group discusses the divisor which is used to determine how many credits a sending site will receive. The current divisor is \$20,000, which the group agrees is too low and needs to be increased. Jesse Hill explains the Clearwater Nursery site as a sending site and that no agency would take the conservation easement. Aeron Arlin Genet asks what is the next step in creating a sending site and then selling credits. Charlie Whitney suggests that the group hear from the Rangeland Trust. Maria Lorca suggests also the Nature Conservancy. BK notes that retirement of development generally not the priority for conservation easements. Discussion ensues regarding conservation easements to address habitat protection verses another type of agreements like open space agreements. Ron Whisenand notes that he believes the public will value sending sites when there is a relationship between the sending and receiving sites. Jesse Hill notes that antiquated subdivisions are a complex problem. Kim Murry indicates that the City may want to be able to retire development in the City's greenbelt area and have the flexibility to use the development credits for things other than additional lots – i.e. credit for parking or additional height or other items. Charlie Whitney suggests creation of a banking system. Kami Griffin notes that banking is allowed with the existing ordinance. Discussion ensues regarding banking of credits. Denis Sullivan raises concerns regarding conservations easements and open space easement. Discussion ensues regarding what other types of agreement can be used in perpetuity. Melissa Boggs suggests using a license agreement as a potential mechanism to preserve land but she is not sure this can be something held in perpetuity and this needs research. Kami Griffin question what the City of SLO uses. Kim Murry responds that a portion of sales taxes will most likely be used to purchase open space – this will be formalized during the budget process. Kami Griffin notes she will talk to County Counsel regarding conservation easements and open space easements and explore if there is another mechanism for sending sites.

Kim Murry notes that the most recent easement acquired by the city resulted in freezing the amount of development on the Brughelli Ranch to what could be built currently in Agriculture under the county rules.

Sue Harvey questions whether there is a lot merger program. Kami responds that there is a very simple process. Kami notes that all lots, regardless of origin, have development potential. Michael Winn questions what process a pre-Gardner antiquated subdivision would go through. Kami Griffin notes that it would need to obtain a certificate of compliance to verify how many lots existed. It would then go through the appraisal process. Dorothy Jennings questioned if the County not holding conservation easements has hurt the program. Kami responds that accepting conservation easements requires maintenance and that the county did not want to do it. Discussion ensues. BK notes that the Land Conservancy requires a maintenance fund.

Charlie Whitney notes that the use of committee alternates was previously discussed and it is not allowed. The last two meetings had alternates at the table and they participated and voted. Charlie Whitney would also like to put public comment on the agenda. Aeron Arlin Genet and Kami Griffin respond that they did discuss public comment and that it will be on the agenda. Kami Griffin suggests that Kim Murry ask Neil Havlik from the City of SLO to provide a presentation on the City's process to obtain easements. Aeron Arlin Genet notes what shall be on the next agenda. Karen Nall asked if everyone agrees that there are no alternates and that no one should sit at the table except appointed members, although alternates could

attend and take notes as a member of the public. Ron Whisenand makes a motion to accept, Chris Volbrecht makes the second and motion passes.

Meeting adjourned. Next Meeting March 28, 2007 at 3:00.